

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6701

BILL NUMBER: SB 256

NOTE PREPARED: Dec 30, 2012

BILL AMENDED:

SUBJECT: Crimes Involving Indecent Images of Children.

FIRST AUTHOR: Sen. Merritt

FIRST SPONSOR:

BILL STATUS: As Introduced

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. *New Crime of Indecent Display by a Youth* – It makes producing, exhibiting, or possessing certain indecent images of a child at least 12 years of age by a person less than 22 years of age indecent display by a youth, a Class B misdemeanor, if the images are produced, exhibited, or possessed on a cellular telephone or social media web site.
- B. *Exemption of Felony Child Exploitation and Child Pornography Felonies* – It provides that a person less than 22 years of age may not be charged with child exploitation or possession of child pornography if the person can be charged with indecent display by a youth.

Effective Date: July 1, 2013.

Explanation of State Expenditures: This bill would likely have little effect on Department of Correction's (DOC) offender population. LSA found 2 out of 69 offenders who were committed between January 1, 2010, and November 30, 2012, and were younger than 22.

Background– Current law exempts persons under 22 years of age from being prosecuted for a Class D felony of possessing child pornography or a Class C felony of producing an image that includes sexual conduct by children under the age of 18 if they are in a dating relationship with the subject, the difference in age is less than four years, and no court has issued any type of no contact or “stay away” order.

As proposed, persons who either produce or possess sexual images of persons between 12 and 16 years of age could be convicted of a Class B misdemeanor whether or not the persons were in a dating relationship. Depictions of nudity and sexual performances by persons older than 16 and younger than 18 would not be prosecuted as a crime if the person producing, disseminating, or possessing the images was younger than 22 and did not distribute these as part of a commercial effort.

Explanation of State Revenues:

Explanation of Local Expenditures: Offenders who are sentenced for a Class B misdemeanor could be either placed on probation or sentenced to incarceration in a county jail for up to 180 days.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts.

Information Sources: Department of Correction Offender Information System.

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